

# Wetlands Bureau Decision Report

Decisions Taken  
02/07/2011 to 02/13/2011

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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**2009-02552                      MARSHALL, TODD**  
**CONWAY   Swift River**

### Requested Action:

Denid for insufficient & untimely response

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### With Findings:

1. A request for additional information dated 01/06/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-02900                      WALMART REAL ESTATE BUSINESS TRUST**  
**MANCHESTER   Unnamed Wetland**

### Requested Action:

Proposal to impact 2377 sq. ft. of wetlands (includes 314 linear feet of intermittent stream) for the construction of a 187,818 sq. ft. Walmart and associated parking.

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### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

### With Findings:

1. A request for additional information dated 02/24/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-03043                      PORTSMOUTH, CITY OF**  
**PORTSMOUTH   North Mill Pond**

### Requested Action:

Request for reconsideration of Wetlands and Non-Site Specific Permit 2009-3043 approval issued on October 25, 2010.

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### DENY RECONSIDERATION:

Deny request for reconsideration of Wetlands and Non-Site Specific Permit 2009-3043 approval granted October 25, 2010, to impact a total of 23,615 square feet in the previously developed upland tidal buffer zone for roadway reconstruction, causeway removal and culvert replacement/expansion, and impact a total of 8,461 square feet in tidal waters for fill removal, installation of new culvert footings, and channel and slope protection, including: replacement of an existing single 26' wide pipe arch culvert with three open bottom concrete arch culverts set side by side (two 20' wide x 52' long culverts set on either side of a 28' wide x 52' long center culvert); installation of 2,200 square feet of inter-tidal channel and slope protection rip rap; installation of 8,842 square feet of tidal buffer zone slope stabilization rip rap; and reconstruction of a total of 362 linear feet of roadway and abutment granite seawall.

With Findings:

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The appellant alleges that she could experience financial hardship if her tenants do not renew their leases due to construction noise, traffic, and inconvenience due to road closure resulting from the reconstruction of the Maplewood Avenue roadway crossing of the tidal North Mill Pond project ("the project").
2. The appellant requests to know when the construction would take place, how long it would take, and how long the bridge would be closed.
3. The appellant requests to know if any of her property will be directly used or impacted.

B. Standards and Process for Review

1. RSA 482-A:10, II requires a request for reconsideration to describe in detail each ground for complaint. No ground not set forth in the request for reconsideration can be considered by the Wetlands Council or the Superior Court (if further appeal is taken), except as provided in paragraph VIII of that section.
2. RSA 482-A:10, III provides that on reconsideration, the Department of Environmental Services ("DES") will receive and consider any new and additional evidence presented, and make findings of fact and rulings of law in support of its decision after reconsideration.
3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the decision of DES to show that the decision is unlawful or unreasonable.
4. If DES is persuaded by a request for reconsideration of a permit approval that was erroneous, the result is that the permit originally requested would be denied.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, I (d) establishes that the applicant demonstrate to DES that abutters have been notified by certified mail of the applicant's submission of a wetlands application.
2. RSA 482-A:11, II requires that DES may require reasonable proof of ownership of a project property, the permit may contain reasonable conditions to protect the public good, and to not issue a permit that infringes on the property rights of others or unreasonably affects the value or enjoyment of abutting properties.
3. Administrative Rule Env-Wt 302.04(a)(12) requires that the benefit of a project to the health, safety, and welfare of the general public be demonstrated by the applicant.
4. On 12/29/2009 DES received the subject application to upgrade an urban city street (Maplewood Avenue) surface water crossing of the tidal North Mill Pond, by removing a single 26 foot wide deteriorated pipe arch culvert and associated causeway road fill, and replace this crossing with three open-bottom box culverts measuring 20, 28, and 20 feet wide, respectively, set side by side, and conduct shoreline stabilization associated with the roadway approaches. The purpose of the Project was to replace a deteriorated crossing and to improve the tidal habitat and function of the North Mill Pond.
5. Contained within the application materials were certified mail receipts demonstrating that the appellant Caryl Sawtelle, identified as an abutter to the project as 235 Maplewood Avenue LLC, was sent notification of the wetlands application by certified mail on 12/23/2009. The letter sent with this abutter notification clearly stated that the permit application package describing the proposed work was available for review at the Portsmouth City Clerk's office or at DES.
6. On 1/7/2010 DES deemed the application administratively complete.
7. On 1/19/2010 DES received a letter from the Portsmouth Conservation Commission recommending approval of the project.
8. Technical review of the application materials by DES found that the engineering plan for the Project proposed a work area on property at 235 Maplewood Avenue within an area clearly identified as an existing easement area held by the City of Portsmouth.
9. In support of the use of the easement area shown on the applicant's engineering plan, the application also included a copy of the easement deed from the owner of 235 Maplewood Avenue, 235 Maplewood Avenue LLC, as signed by grantor Caryl Sawtelle, and recorded at the Rockingham County Registry of Deeds at Book 3577, Page 2037 on 4/18/2001, granting the City of Portsmouth the right to in part "...maintain...the property"
10. On 3/23/2010 DES sent the applicant a Request For More Information letter, in part requesting additional clarification of the location of other project-related property lines and City ROW areas.

11. On 5/14/2010 DES received a response from the applicant's engineer to this element of the DES RFMI letter, further stating that the project work would be conducted on City property or on property where the City had an existing easement to do the work.
12. On 5/17/2010 DES and the applicant agreed to a time extension to 10/15/2010 for submission and review of supporting scientific background information on the efforts to restore the environmental integrity of the North Mill Pond, with respect to demonstrating that the project was self-mitigating.
13. On 10/25/2010 DES approved the project, with the findings that the project would replace a deteriorated city street culvert, and have beneficial environmental impact on the North Mill Pond by creating greater tidal flushing action and by increasing inter-tidal bottom habitat.
14. From the initial abutter notification on 12/23/2009, to the date of the DES approval on 10/25/2010, 10 months, DES received no comment from any abutter on this project.
15. On 2/4/2011 the City provided DES with documentation from the City of Portsmouth Capital Improvements Plan that indicates that the project would not start until 2015, and that the crossing is then expected to be closed for three months for construction.
16. DES finds that the appellant was properly notified as an abutter by the applicant, and was given clear direction in the abutter notification as to where to view the details of the project.
17. DES finds that the applicant has demonstrated the right to work on the appellant's property through Easement Deed B3577P2037, which was signed by the appellant as grantor.
18. Noise and traffic inconvenience are temporary, expected, and universal traits inherent in construction projects to which the public in general, including neighboring property owners, are exposed. These temporary impacts do not outweigh the public safety need to repair or replace deteriorated public infrastructure, and do not unreasonably affect the value or enjoyment of abutting properties, whereas failure to repair public infrastructure would. Nor do such temporary impacts outweigh the long-term public benefit of improving the health and quality of a tidal resource.
19. The appellant has not provided new information for consideration by DES.
20. The appellant has not met their burden of proving that the Department's decision was unlawful or unreasonable.

#### D. Decision

Based on the foregoing, the Department affirms the decision to approve the subject application's permit, file number 2009-3049.

-Send to Governor and Executive Council-

#### **2010-01969                      LAKE COTTAGE TRUST** **ALTON   Lake Winnepesaukee**

##### Requested Action:

Fill 1,030 sq ft to construct 64 linear ft of breakwater, in an dogleg configuration, with a 10 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 40 ft finger pier by a 5 ft x 39 ft walkway in and "F" configuration on an average of 153 ft of frontage on Barndoor Island, on Lake Winnepesaukee.

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##### APPROVE PERMIT:

Fill 1,030 sq ft to construct 64 linear ft of breakwater, in an dogleg configuration, with a 10 ft gap at the shoreline, and a 4 ft x 30 ft cantilevered pier connected to a 4 ft x 40 ft finger pier by a 5 ft x 39 ft walkway in and "F" configuration on an average of 153 ft of frontage on Barndoor Island, on Lake Winnepesaukee.

##### With Conditions:

1. All work shall be in accordance with plans by Diversified Marine Construction as revised January 8, 2011 and received by Department on January 10, 2011.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. These shall be the only structures on this water frontage and all portions of the structures, including the breakwater toe of slope, shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
4. The owner of this docking facility shall immediately remove the docking facility upon receipt of notice by the Department, if at any time the Department receives evidence that the docking facility encroaches upon the property line setbacks as required pursuant

to RSA 482-A:3 XIII.

5. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. No portion of breakwater as measured at normal full lake shall extend more than 50 feet from normal full lake shoreline.
9. The breakwater shall not exceed 3 feet in height (Elev. 507.32) over the normal high water line (Elev. 504.32).
10. The width as measured at the top of the breakwater (Elev. 507.32) shall not exceed 3 feet.
11. Rocks may not remain stockpiled on the frontage for a period longer than 60 days. Rocks shall not be stockpiled with 20 ft of any property line or the extension of any property line over the water.
12. Photos showing that all construction materials have been removed from the temporary stockpile area shall be submitted to the Bureau upon completion of the docking facility.
13. This facility is permitted with the condition that future maintenance dredging, if needed, shall not be permitted more frequently than once every 6 years, and that a new permit shall be required for each dredge activity.
14. The owner understands and accepts the risk that if this facility requires dredging to maintain a minimum slip depth of 3 feet, more frequently than once every 6 years, or is shown to have an adverse impact on abutting frontages, it shall be subject to removal.
15. The breakwater shall have an irregular face to dissipate wave energy.
16. Support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
17. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining, and maintaining compliance with, any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(j), construction of a breakwater.
2. The construction of a breakwater to provide safe docking at this site is justified in accordance with Rule Env-Wt 402.06, Breakwaters.
3. The applicant has an average of 153 feet of shoreline frontage along Lake Winnepesaukee.
4. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13 Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per Rule Env-Wt 101.09 Boat slip, and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived based on field inspection, by NH DES staff, on October 5, 2010, with the finding that the project impacts will not significantly impair the resources of Lake Winnepesaukee.
7. Field inspection on October 5, 2010 found no obvious evidence of sand migration along this shoreline.

-Send to Governor and Executive Council-

**2010-02240                      ALTON, TOWN OF**  
**ALTON    Sunset Lake**

Requested Action:

Proposal to dredge and fill 2663 sq. ft. bed and banks (includes 2,067 sq. ft. of temporary impacts and 596 sq. ft. of permanent impact) of the "Sunset Lake Outlet" stream for in the removal and replacement of the "Places Mill Road Bridge" in Alton. Work consists of removal of the existing approximately 20 ft. span x 18 ft. run x 5 ft. high bridge and replacement with a 36 ft. span x 30 ft. run x 8.6 ft. high arch bridge and associated stream bed construction, temporary work area impacts, temporary water diversion impacts and associated wingwalls, footing protection and roadway slope stabilization.

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APPROVE PERMIT:

Dredge and fill 2663 sq. ft. bed and banks (includes 2,067 sq. ft. of temporary impacts and 596 sq. ft. of permanent impact) of the "Sunset Lake Outlet" stream for in the removal and replacement of the "Places Mill Road Bridge" in Alton. Work consists of

removal of the existing approximately 20 ft. span x 18 ft. run x 5 ft. high bridge and replacement with a 36 ft. span x 30 ft. run x 8.6 ft. high arch bridge and associated stream bed construction, temporary work area impacts, temporary water diversion impacts and associated wingwalls, footing protection and roadway slope stabilization.

With Conditions:

1. All work shall be in accordance with plans by Dubois & King Inc., "Wetlands Impacts", "Figure 3" dated August 2010, as received by the NH Department of Environmental Services (DES) on August 16, 2010, narratives dated January 11, 2011 and April 9, 2010 and plans dated January 2011, as received by DES on January 13, 2011.
2. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, depict all temporary impacts and show temporary siltation/erosion/turbidity control measures to be implemented.
3. The Town shall obtain temporary construction easements or written agreements from affected landowners with work in jurisdiction on their property or within 20 feet of their property. Copies shall be supplied to DES Wetlands Bureau File No. 2010-02240 prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.
7. The final surface of the stream channel bed shall be restored at natural grade using natural round stone or existing streambed materials and shall not include angular rip-rap.
8. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired immediately.
16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
17. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 903.01 (g) A project shall be classified as a major impact project if:
  - (1) The stream crossing is a new or replacement tier 3 crossing; or
  - (2) Any of the criteria for a major project specified in Env-Wt 303.02 are met, regardless of the tier classification of the stream crossing that is part of the project.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The current bridge is limited to carrying vehicles of less than 3 tons and the bridge does not provide adequate hydrological capacity to satisfy NHDOT bridge requirements.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The applicant has investigated two replacement options.
7. The replacement design was conducted in accordance with Administrative Rule Env-Wt 904.08.
8. The applicant requested a waiver to the requirements of vegetated banks within the new structure per Administrative Rule 904.05(c).
9. DES approved the request due to noted constraints, existing conditions and restoration and preservation of a natural stream channel.
10. A New Hampshire Licensed Professional Engineer conducted a hydrological analysis of the existing conditions and proposed replacement.
11. DES has not received any abutter or public comments in objection to the proposed project.
12. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

**2010-02521                      HARTSHORN, CHARLOTTE & ERNESTINE**  
**MOULTONBOROUGH   Squam Lake**

**Requested Action:**

Install two 6 ft x 37 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway, accessed by a 6 ft x 4 ft seasonal walkway and repair 26 linear feet of retaining wall and a 60 sq ft concrete pad on an average of 1,624 ft of frontage on Squam Lake, in Moultonborough.

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**APPROVE PERMIT:**

Install two 6 ft x 37 ft seasonal docks connected by a 6 ft x 12 ft seasonal walkway, accessed by a 6 ft x 4 ft seasonal walkway and repair 26 linear feet of retaining wall and a 60 sq ft concrete pad on an average of 1,624 ft of frontage on Squam Lake, in Moultonborough.

**With Conditions:**

1. All work shall be in accordance with plans by David Dolan Associates revision dated January 11, 2011, as received by the NH Department of Environmental Services (DES) on January 13, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The new piers and pre-existing 25.5 ft wharf shall be the only docking structures on this water frontage and all portions of the docking structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Wall and concrete pad repairs shall maintain the existing size, location and configuration of those structures.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(d), construction of a major docking system.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 1624 feet of shoreline frontage along Squam Lake.
6. A maximum of 22 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

7. The combination of the existing and proposed docking facilities on the frontage will provide 5 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
6. Public hearing is waived with the finding that the project impacts will not significantly impair the resources of Squam Lake.

-Send to Governor and Executive Council-

**2010-03326                      LAWRENCE & MARY T CIOTTI REV TRUST, C/O LARRY CIOT**  
**PORTSMOUTH   Sagamore Creek**

**Requested Action:**

Remove a deteriorated timber bulkhead and install a total of 187 linear feet of rip-rap to stabilize shoreline. Construct a tidal docking structure consisting of a 6 ft. x 20 ft. permanent pier connecting to a 3 ft. x 20 ft. ramp connecting to a 10 ft. x 20 ft. float, overall structure length 55 ft., providing one slip on 53 ft. of frontage on Sagamore Creek.

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**Conservation Commission/Staff Comments:**

Con. com. recommends approval.

Inspection Date: 02/04/2011 by David A Price

**APPROVE PERMIT:**

Remove a deteriorated timber bulkhead and install a total of 187 linear feet of rip-rap to stabilize shoreline. Construct a tidal docking structure consisting of a 6 ft. x 20 ft. permanent pier connecting to a 3 ft. x 20 ft. ramp connecting to a 10 ft. x 20 ft. float, overall structure length 55 ft., providing one slip on 53 ft. of frontage on Sagamore Creek.

**With Conditions:**

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated November 12, 2010 and November 29, 2010, as received by the Department on December 9, 2010.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 6 ft. x 20ft. permanent pier connecting to a 3 ft. x 20 ft. ramp connecting to a 10 ft. x 20 ft. float, overall structure length 55 ft., providing one slip on 53 ft. of frontage on Sagamore Creek shall be the only dock structure on this water frontage.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. The float shall be constructed such as to rest on float stops to suspend the flotation drums off the substrate at low tides.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The shoreline is severely eroded and in need of stabilization. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Wt 302.03. No saltmarsh vegetation exists within the area of the proposed dock location. The applicant will be installing float stops to prevent the float from sitting directly on the tidal mudflat at low tide.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. It was determined by NH Natural Heritage Bureau (NHB) that, although there was record of a species of special concern within the vicinity of the project, NHB does not expect that it will be impacted by the project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated January 12, 2011. In accordance with Env-Wt 304.04, the applicant has submitted written agreements from the affected abutters concurring with work within 20 ft. from the abutting property lines.

5. The Portsmouth Conservation Commission recommends approval of the project.

6. This dock is consistent with other tidal dock approvals in the seacoast.

7. DES staff field inspection on February 4, 2011 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**2010-03409                      NICOLE R GREGG REVOCABLE TRUST**  
**PORTSMOUTH   Unnamed Wetland Tidal Wetland**

**Requested Action:**

Construct a tidal docking structure consisting of a 6 ft. x 10 ft. permanent pier connecting to a 3 ft. x 35 ft. ramp connecting to a 10 ft. x 20 ft. float, overall structure length 52 ft., providing one slip on 197 ft. of frontage on Pickering's Creek.

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**Conservation Commission/Staff Comments:**

Con. com. recommends approval.

Inspection Date: 02/04/2011 by David A Price

**APPROVE PERMIT:**

Construct a tidal docking structure consisting of a 6 ft. x 10 ft. permanent pier connecting to a 3 ft. x 35 ft. ramp connecting to a 10 ft. x 20 ft. float, overall structure length 52 ft., providing one slip on 197 ft. of frontage on Pickering's Creek.

**With Conditions:**

1. All work shall be in accordance with plans by Riverside & Pickering Marine Contractors dated December 13, 2010, as received by the Department on December 21, 2010.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 6 ft. x 10ft. permanent pier connecting to a 3 ft. x 35 ft. ramp connecting to a 10 ft. x 20 ft. float, overall structure length 52 ft., providing one slip on 197 ft. of frontage on Pickering's Creek shall be the only dock structure on this water frontage.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. The float shall be constructed such as to rest on float stops to suspend the flotation drums off the substrate at low tides.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently no docking structure on the property to provide access to the water.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. No saltmarsh vegetation exists within the area of the proposed dock location. The applicant will be installing float stops to prevent the float from sitting directly on the tidal mudflat at low tide.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. It was determined by NH Natural Heritage Bureau (NHB) that, although there was record of a species of special concern within the vicinity of the project, NHB does not expect that it will be impacted by the project. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated January 12, 2011; and the dock is located greater than 20 feet off the abutting property lines.
5. The Portsmouth Conservation Commission recommends approval of the project.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on February 4, 2011 found that the site is accurately represented in the application.

-Send to Governor and Executive Council-

**MINOR IMPACT PROJECT**

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**2010-00793                      MACKENNA, JOHN & TRACEY**  
**WILMOT   Unnamed Pond**

Requested Action:

Impact 1127 sq. ft. for the installation of a dry hydrant.

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 05/05/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-01331                      STRAFFORD FIRE AND RESCUE, BOW LAKE STATION**  
**STRAFFORD   Unnamed Wetland**

Requested Action:

Impact 3350 sq. ft. of wetlands for the construction of a parking area for fire and rescue equipment.

\*\*\*\*\*

**DENY PERMIT:**

Impact 3350 sq. ft. of wetlands for the construction of a parking area for fire and rescue equipment

With Findings:

1. On 5/20/2010 DES received an application to fill 3,350 square feet of wetlands for lot development for construction of additional fire station parking area.
2. On 6/1/2010 DES notified the applicant that the application was missing four items and was therefore administratively incomplete.
3. On 6/23/2010 DES received the four outstanding items from the applicant.
4. On 6/23/2010 DES deemed the application administratively complete.
5. On 6/28/2010 DES received email correspondence from the NH Department of Fish & Game ("NHFG") indicating that the impacts to the State-threatened bridle shiner and spotted turtle were not expected as a result of the project.
6. On 7/6/2010 DES received a copy of a report dated 6/29/2010 from the Division of Historic Resources ("DHR") to the applicant regarding the stone culvert located at the project site.
7. On 7/13/2010 DES received a letter dated 6/25/2010 from an abutter to the project referencing several concerns with the project, including proper abutter notification, layout design, NHDOT driveway permitting; drainage impacts, stormwater treatment, and historical resources.
8. On 7/21/2010 DES received a letter dated 7/15/2010 from the Isinglass River LAC referencing several concerns with the project, including inaccurate plan scale; the project wetland as a portion of a larger wetland complex associated with the Isinglass River; the need for proper engineering and drainage design for stormwater collection and treatment; concern over the existence of other impervious surfaces in the immediate area; and the presence of other parking lots directly across the street usable by the fire station.
9. On 7/21/2010 DES received a letter dated 7/15/2010, from the Strafford Conservation Commission urging denial of the project based on six reasons, including 1) alternative parking was available at the Historical Society and Church parking lots across the street; 2) concern for the possible vernal pool function of the wetland to be filled and impacts to Blandings turtles crossing the area; 3) impact to a historic stone culvert; 4) impact of runoff from the fill area to the rest of the wetland; 5) the message allowing the a town-related entity to fill the wetland would send to others; and 6) no evidence was submitted to show that NHDOT had been consulted even though the project is on NH Route 202-A.
10. On 7/22/2010 DES received a letter from the Strafford Historical Society stating that, for the record, they had granted the applicant use of the Society's parking lot which is directly across the street from the fire station. The letter also expressed concerns about the impacts to the historic stone culvert and impacts to the drainage, potentially backing up water on the Society's property.
11. On 9/1/2010 DES sent the applicant a Request For More Information ("RFMI") letter referencing seven detailed items the applicant needed to address including demonstration of need for the proposed project, pursuant to Env-Wt 302.01, and Env-Wt 302.04(a)(1), demonstration of Avoidance and minimization, and least impacting alternative, pursuant to Rules Env-Wt 302.03, and Env-Wt 302.04(a)(2), respectively; insufficient plans submitted; impacts to abutting property owners; setback to property lines, and responses to the concerns raised in the file by the Isinglass River LAC and the Strafford Conservation Commission. The deadline for response to the RFMI letter was 10/31/2010.
12. On 10/29/2010 the applicant's representative requested a time extension to respond to the RFMI letter.
13. On 10/29/2010 DES agreed to extend the RFMI letter response deadline to 12/28/2010.
14. No response to the RFMI letter was received by DES by the 12/28/2010 deadline.
15. No response to the RFMI letter has been received to date.
16. DES finds that the application fails to demonstrate need, avoidance and minimization, or represent the least impacting alternative, pursuant to Rules Env-302.01(b) and 302.04(a)(1); Env-Wt 302.03; or Env-Wt 302.04(a)(2), as alternative parking locations exist in immediately proximity to the station, and therefore the application is denied.
17. DES finds that the application fails to demonstrate consideration of additional requirements specified in Rules Env-Wt 302.04(a), including Env-Wt 302.04(a)(4),(7), and (17), with respect to the impacts of the project upon the nearby wetlands, plants, fish, and wildlife, and total wetland complex; Env-Wt 302.04(a)(11) with respect to the impact of the project on abutting property owners; and Env-Wt 302.04(13) and (14) with respect to the drainage impacts of the project on the quality or quantity of surface or groundwater, or the project's potential to cause or increase erosion or sedimentation, therefore the application is denied.
18. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the RFMI request, or an agreed to extension thereof, DES shall deny the application.
19. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

Requested Action:

Dredge and fill 1,085 square feet of wetlands and intermittent streams. Work in jurisdiction includes retaining an intermittent stream crossing (230 square feet); upgrading an intermittent stream crossing (175 square feet); retaining fill in wetlands for access (550 square feet); and retaining fill for commercial lot development (130 square feet).

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 1,085 square feet of wetlands and intermittent streams. Work in jurisdiction includes retaining an intermittent stream crossing (230 square feet); upgrading an intermittent stream crossing (175 square feet); retaining fill in wetlands for access (550 square feet); and retaining fill for commercial lot development (130 square feet).

With Conditions:

1. All work shall be in accordance with the plans by Northpoint Engineering, LLC entitled Maxam North East: Hardy Country and Spruce Ridge Roads (Sheets 1-2 of 2; E1-E4; C1-C4; D1-D3) dated August 2010 revised January 25, 2011 and received by the Department on February 03, 2011.
2. This permit is contingent on approval by the Alteration of Terrain Bureau.
3. Work shall be done during periods of non-flow.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Extreme precautions shall be taken within riparian areas to limit unnecessary removal of vegetation during construction.
7. Culverts shall be laid at original grade.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
14. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a Minor Project per Administrative Rule Env-Wt 303.03 (1) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04 Requirements for Application Evaluation, has been considered in the design of the project.
4. The applicant submitted a DES wetlands impact application in two towns: Alexandria (2010-02773) and Groton (2010-02775). Since the projects are part of the same development, the project was reviewed and approved under a single file number, DES Wetlands Bureau File #2010-02773.
5. No comments were submitted from the Conservation Commission.
6. The NH Natural Heritage Bureau commented that although there was a NHB record present in the vicinity, they do not expect it will be impacted by the proposed project.

## MINIMUM IMPACT PROJECT

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**2010-00416                      GILFORD YOUNG ROAD LLC, ROBERT WOOD**  
**GILFORD   Unnamed Wetland**

**Requested Action:**

Impact 2005 sq. ft. of wetlands for the installation of a 48" HDPE culvert for the construction of a main access road to a proposed 14 lot subdivision

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**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 05/21/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-01293                      BIDWELL, JAMES**  
**PENACOOK   Unnamed Pond**

**Requested Action:**

Impact 600 sq. ft. to maintenance dredge an existing cattle pond

\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 08/30/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2011-00139                      315 ATLANTIC AVENUE II SPENDTHRIFT TRUST**  
**SANDWICH   Unnamed Wetland**

**Requested Action:**

Impact 10 square feet of a palustrine wetland for access to a single family residence. Work in jurisdiction includes replacing a 15" culvert.

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**APPROVE PERMIT:**

Impact 10 square feet of a palustrine wetland for access to a single family residence. Work in jurisdiction includes replacing a 15" culvert.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey Co., Inc. entitled Storm Drain Replacement Plan for the 315 Atlantic Avenue II Spendthrift Trust (Sheet 1 of 1) as received by DES on January 14, 2011.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The culvert shall be laid at original grade.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
12. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minimum impact project per Env-Wt 303.04 (x) Maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet, provided: (1) No change in location, configuration, construction type, or dimensions is proposed; (2) Any stream crossing work qualifies as minimum impact under Env-Wt 903.01(e)(2) or (3); and (3) The applicant certifies in writing that the structure, in its current location, configuration, construction type and dimensions: a. Was previously permitted by the department and has not been abandoned; or b. Would be considered grandfathered under Env-Wt 101.47 and has not been abandoned;
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. A letter from the owner of Sandwich tax map R-3 Lot 16 stated that they had reviewed the proposed Culvert Replacement Plan and have no objections to the project.
5. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.

**FORESTRY NOTIFICATION**

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**2011-00013                      MACDONALD, SUSAN**  
**COLUMBIA   Unnamed Stream**

COMPLETE NOTIFICATION:  
Columbia Tax Map 410, Lot# 35

**2011-00153                      BUCKLIN FAMILY TRUST, CHARLES**  
**NEW LONDON   Unnamed Stream**

COMPLETE NOTIFICATION:  
New London Tax Map 33, Lot# 27

**2011-00283                      J FOUR REALTY**  
**BETHLEHEM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bethlehem Tax Map 201, Lot# 27

**2011-00302                      KLINE, VIVIAN**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 255, Lot# 21

**2011-00304                      MARTIN, PAUL**  
**LYNDEBOROUGH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyndeboro Tax Map 232, Lot# 55

**2011-00313                      STAR LAKE PROPERTIES INC**  
**SPRINGFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Springfield Tax Map/Lot# 8/763-190, 13/661-038, 13/772-129

**2011-00315                      SMITH, PATRICK**  
**OSSIPEE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Ossipee Tax Map 264, Lot# 23, 24, 25, 26

**2011-00317                      REDMOND, WEN**  
**STRAFFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Strafford Tax Map 19, Lot# 48

**2011-00318                      WILLIAMS TRUST, KATHRYN**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Deerfield Tax Map 405, Lot# 84

**2011-00325                      MAGIERA, DONALD**  
**PELHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Pelham Tax Map 10, Lot# 13-2-1

**2011-00327                      DURHAM, TOWN OF**  
**DURHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Durham Tax Map 18, Lot# 1-3

**2011-00329                      QUINN, ROSS & LON**  
**RINDGE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rindge Tax Map 11, Lot# 40

**2011-00336                      FARMINGTON, TOWN OF**  
**FARMINGTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Farmington Tax Map R59, Lot# 9

**2011-00337                      BAYROOT LLC - MOXIE TREE FARM, C/O WAGNER FOREST M**  
**CARROLL   Unnamed Stream**

COMPLETE NOTIFICATION:  
Carroll Tax Map 408, Lot# 8

#### EXPEDITED MINIMUM

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**2010-00415                      JESSEMAN, STEPHEN & SUZANNE**  
**NEW LONDON   Unnamed Wetland**

Requested Action:  
Dredge and fill  $\pm$  2,851 sq. ft. of palustrine wetlands for pond construction.  
\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:  
Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 03/17/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-02421                      UNH, JONATHAN PENNOCK**  
**NEW CASTLE   Piscataqua River**

Requested Action:

Temporarily impact 2,950 square feet within the previously disturbed 100-foot tidal buffer zone for the replacement of the existing pavilion and slab with approximately 1,500 linear feet of frontage along the Piscataqua River.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The New Castle Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Temporarily impact 2,950 square feet within the previously disturbed 100-foot tidal buffer zone for the replacement of the existing pavilion and slab with approximately 1,500 linear feet of frontage along the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Appledore Marine Engineering, Inc. dated January 2011, as received by the NH Department of Environmental Services (DES) on January 17, 2011.
2. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. No fill shall be done for lot development.
7. Area shall be regraded to original contours following completion of work.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04((b) Projects in previously-developed upland areas within 100 feet of the highest observable tide line unless they are major or minor as defined in Env-Wt 303.02 or Env-Wt 303.03, respectively.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-02654                      JEAN SULLIVAN IRREVOCABLE TRUST**  
**BARRINGTON   North River Pond**

Requested Action:

The Applicant requests to amend the permit to revise the plans in a manner that will address abutter concerns pertaining to possible

effects of the project on shoreline currents.

\*\*\*\*\*

**APPROVE AMENDMENT:**

Amend permit to read: Replace 77 linear ft of failed stone and timber retaining wall with pre-cast block wall landward and above the existing rocks at the shoreline on 80 ft of frontage on North River Pond in Barrington.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction revised January 27, 2011, as received by the NH Department of Environmental Services (DES) on February 8, 2011.
2. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Work shall be done during low water conditions.
4. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
5. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
6. The retaining wall shall be located completely within the footprint of the pre-existing structure so as not to create land in public waters.
7. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(c), replacement of a retaining wall in the dry.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The revised proposal will retain the existing conditions and contours at the waterline and, therefore, will not affect shoreline currents in this area.

**2011-00127                      LITTLE, THOMAS**  
**NEW LONDON   Unnamed Wetland**

**Requested Action:**

Dredge and fill  $\pm$  1,044 sq. ft. of wetlands to install three 24-inch x 32-foot culverts at three separate driveways, each to a single lot of a 3-lot subdivision.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill  $\pm$  1,044 sq. ft. of wetlands to install three 24-inch x 32-foot culverts at three separate driveways, each to a single lot of a 3-lot subdivision.

**With Conditions:**

1. All work shall be in accordance with plans by Pennyroyal Hill Land Surveying & Forestry, LLC dated December 15, 2010, as received by the Department on January 12, 2011, and Subdivision Plans by Pennyroyal Hill Land Surveying & Forestry, LLC dated December 15, 2010, as received by the Department on January 31, 2011.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for lots 1 and 2 in this subdivision shall contain condition # 2 of this approval.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain

until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

8. Proper headwalls shall be constructed within seven days of culvert installation.

9. Culverts shall be laid at original grade.

10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.

2. The applicant has provided a waiver request per Env-Wt 204.03, to waive the required wetland delineation and topography (Env-Wt 304.09(a)) over back portion of the lot in an area where development is not proposed.

3. The applicant has had a Certified Wetland Scientist field delineate the area of the proposed residential subdivision.

4. The Agent has indicated it would be cost prohibitive for the owner to have the entire lot delineated.

5. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 304.09(a).

6. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.

7. The Conservation Commission signed the Minimum Impact Expedited Application.

8. No comments of concern were submitted from federal agencies, the Natural Heritage Bureau (NHB), the NHFG Nongame and Endangered Wildlife Program or the Conservation Commission.

9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2011-00192                      LMS REALTY TRUST**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair and maintain an existing 60 slip major docking facility on 207 feet of frontage on Lake Winnepesaukee, Wolfeboro.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair and maintain an existing 60 slip major docking facility on 207 feet of frontage on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated June 24, 2010, as received by the NH Department of Environmental Services (DES) on January 24, 2011.

2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. The repairs shall maintain the size, location and configuration of the pre-existing structures.

4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**GOLD DREDGE**

\*\*\*\*\*

**2011-00312                      SPAULDING, JAMES**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
cc Bath Con Com

**PERMIT BY NOTIFICATION**

\*\*\*\*\*

**2010-00744                      GUARALDI, TIMOTHY & ANNA**  
**NEWPORT   Unnamed Pond**

Requested Action:  
Impact 9000 sq. ft. to maintenance dredge an existing trout pond  
\*\*\*\*\*

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**  
Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 04/21/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-02160                      ELSEA, SUSAN**  
**WOLFEBORO   Unnamed Stream**

Requested Action:

Installation of culvert and fill to construct a driveway for access to proposed 12'x42' shed.

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 08/16/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

CSPA PERMIT

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**2010-01377                      DEMERS, SHELAGH**  
**WINDHAM   Canobie Lake**

Requested Action:

Amend Permit to approve revised plan received by DES on February 4, 2011, for the temporary impacts associated with the replacement of water and electric lines, underground propane tank, and 15 sq ft concrete pad.

Impact 2551 sq.ft. for the construction of an addition and expansion to driveway.

\*\*\*\*\*

Inspection Date: 01/07/2011 by Emily P Lucas

APPROVE AMENDMENT:

Amend Permit to approve revised plan received by DES on February 4, 2011, for the temporary impacts associated with the replacement of water and electric lines, underground propane tank, and 15 sq ft concrete pad.

Impact 2551 sq.ft. for the construction of an addition and expansion to driveway.

With Conditions:

1. All work shall be in accordance with plans by Meisner Berm Corporation dated April 20, 2010 and received by the Department of Environmental Services ("DES") on Jun 1, 2010.
2. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 11,269 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,502 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2010-01934                      TRAG, GUY/PAMELA**  
**SUGAR HILL   Streeter Pond**

Requested Action:

AMENDMENT DESCRIPTION: Revised plans received January 28, 2011 to modify design structure within the approved area of impact.

Temporarily impact 6,920 sq ft to construct a 2,060 sq ft primary structure with attached deck and garage, a 813 sq ft gravel driveway, and a septic system.

\*\*\*\*\*

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Revised plans received January 28, 2011 to modify design structure within the approved area of impact.

Temporarily impact 6,920 sq ft to construct a 2,060 sq ft primary structure with attached deck and garage, a 813 sq ft gravel driveway, and a septic system.

With Conditions:

1. All work shall be in accordance with plans by Presby Construction Inc. dated June 10, 2010 and received by the NH Department of Environmental Services (DES) on July 22, 2010.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Any work within the jurisdictional wetlands will require a permit from the DES Wetlands Bureau.
4. No more than 2.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00152                      KOCHMAN, DAVID & SANDRA**  
**WINCHESTER   Ashuelot River**

Requested Action:

Impact 13,542 sq ft in order to construct a single family dwelling with driveway and a septic system.

\*\*\*\*\*

APPROVE PERMIT:

Impact 13,542 sq ft in order to construct a single family dwelling with driveway and a septic system.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated January 10, 2011 and received by the NH Department of Environmental Services (DES) on January 18, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 39,643 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 21,941 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2011-00247                      RAYMOND T THORNTON 2008 TRUST**  
**WOLFEBORO   Wentworth Lake**

Requested Action:

Impact 3,810 sq ft in order to replace two septic systems with a single effluent disposal system serving two existing cottages.

\*\*\*\*\*

APPROVE PERMIT:

Impact 3,810 sq ft in order to replace two septic systems with a single effluent disposal system serving two existing cottages.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 31, 2010 and received by the NH Department of Environmental Services (DES) on January 27, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 11.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 2,478 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00250                      CONTINENTAL PAVING COMPANY**  
**PEMBROKE   Soucook River**

Requested Action:

Impact approximately 37,501 sq ft to construct a paved road and reduce the area of existing gravel road.

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**APPROVE PERMIT:**

Impact approximately 37,501 sq ft to construct a paved road and reduce the area of existing gravel road.

**With Conditions:**

1. All work shall be in accordance with plans by Nobis dated January 1, 2011 and received by the NH Department of Environmental Services (DES) on January 27, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau and Alteration of Terrain.
3. No more than 14% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 85,700 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00253                      WHITE, STEVEN/CONSTANCE**  
**TUFTONBORO   Lake Winnepesaukee**

**Requested Action:**

Impact 61 sq ft in order to add portion to existing deck.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Sent corrected CSPA Permit with correct project location on 2/14/2011 JR

**APPROVE PERMIT:**

Impact 61 sq ft in order to add portion to existing deck.

**With Conditions:**

1. All work shall be in accordance with plans by Beckwith Builders dated January 25, 2011 and received by the NH Department of Environmental Services (DES) on January 27, 2011.
2. No more than 19.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 4,925 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 2,462 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the

structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00270                      VOSS, JON/PATRICIA**  
**BARNSTEAD    Huntress Pond**

Requested Action:

Impact 1,917 sq ft in order to remove portion of existing patio for a perched beach and add a stone wall.

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APPROVE PERMIT:

Impact 1,917 sq ft in order to remove portion of existing patio for a perched beach and add a stone wall.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated January 12, 2011 and received by the NH Department of Environmental Services (DES) on February 1, 2011.
2. There shall be no impacts within surface waters or their banks until any permit as may be required under RSA 482-A has been obtained.
3. No more than 15.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 9,491 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00271                      DURKEE, ROBERT**  
**CENTER CONWAY    Conway Lake**

Requested Action:

Impact 7,962 sq ft in order to construct a stone patio with walkway and replace septic system.

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APPROVE PERMIT:

Impact 7,962 sq ft in order to construct a stone patio with walkway and replace septic system.

With Conditions:

1. All work shall be in accordance with plans by Ammonoosuc Survey Company, Inc. dated October 26, 2010 and received by the NH Department of Environmental Services (DES) on February 1, 2011.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 12% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. At least 17,633 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

9. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00282                      GREAT CAMP REALTY LLC**  
**MEREDITH   Lake Winnepesaukee**

**Requested Action:**

Impact 1,873 sq ft in order to construct covered porches on existing structures and construct a pavilion with a walkway.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 1,873 sq ft in order to construct covered porches on existing structures and construct a pavilion with a walkway.

**With Conditions:**

1. All work shall be in accordance with plans by NH Environmental Consultants LLC dated January 18, 2011 and received by the NH Department of Environmental Services (DES) on February 3, 2011.
2. No more than 13.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 12,148 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00305                      DICKERSON, THOMAS & SUSAN**  
**WAKEFIELD   Balch Lake**

**Requested Action:**

Impact 1,235 sq ft in order to replace and repair the existing retaining wall.

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**APPROVE PERMIT:**

Impact 1,235 sq ft in order to replace and repair the existing retaining wall.

**With Conditions:**

1. All work shall be in accordance with plans by Land Tech dated February 2, 2011 and received by the NH Department of Environmental Services (DES) on February 4, 2011.
2. No more than 24.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 943 sq ft of the Natural Woodland Buffer beyond the primary building setback

in an unaltered state. At least 943 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

## CSPA PERMIT W/WAIVER

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**2010-02588                      LOWELL, DRENNAN**  
**DERRY   Island Pond**

### Requested Action:

Impact 2,050 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system.

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### DENY PERMIT:

Impact 2,050 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system.

### With Findings:

1. In accordance with RSA 483-B:5-b, V, (a), Permit Required; Exemption, "Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application."
2. On November 2, 2010, the Department issued a Request for More Information Letter to the Applicant notifying them that additional Information was required to complete their shoreland impact permit application.
3. The Department's letter specified that if the information requested was not received by January 2, 2011, the application would be denied.
4. The Applicant failed to submit the requested information by January 2, 2011 and, therefore, the application is denied in accordance with RSA 483-B:5-b, V, (a).

**2010-02719                      ROJAS, MAUREEN**  
**DERRY   Big Island Pond**

### Requested Action:

Impact 2,308 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system.

\*\*\*\*\*

### DENY PERMIT:

Impact 2,308 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system.

With Findings:

1. In accordance with RSA 483-B:5-b, V, (a), Permit Required; Exemption, "Any request for additional information shall specify that the applicant submit such information as soon as practicable and notify the applicant that if all of the requested information is not received within 60 days of the request, the department shall deny the application."
2. On November 5, 2010 the Department issued a Request for More Information Letter to the Applicant notifying them that additional Information was required to complete their shoreland impact permit application.
3. The Department's letter specified that if the information requested was not received by January 5, 2011, the application would be denied.
4. The Applicant failed to submit the requested information by January 5, 2011 and, therefore, the application is denied in accordance with RSA 483-B:5-b, V, (a).

**2010-03189**

**BOUCHARD, PHILLIPPE**

**WINDHAM Cobbett's Pond**

Requested Action:

Impact 7,112 sq ft for the purpose of expanding the footprint of a nonconforming primary structure and installing a new septic system and stormwater treatment measures.

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APPROVE PERMIT:

Impact 7,112 sq ft for the purpose expanding the footprint of a nonconforming primary structure and installing a new septic system and stormwater treatment measures.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc. dated November 2, 2010 and received by the Department of Environmental Services ("DES") on November 23, 2010.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 24.8% of the area of the lot within the protected shoreland shall be composed of impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau and installing the proposed septic system.
5. The proposed stormwater treatment measures shall be designed, installed and maintained to effectively intercept and infiltrate stormwater.
6. No impacts to natural ground cover shall occur within the waterfront buffer.
7. There shall be no impacts within wetlands, surface waters, or their banks until any permit as may be required under RSA 482-A has been obtained.
8. In order to remain compliant with RSA 483-B:9, V, (b), (2), the 3,195 sq ft of unaltered area between 50 ft and 150 ft of the reference line, as delineated on plans titled, "Proposed Conditions Plan" and received by DES must remain in an unaltered state.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Cobbetts Pond and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install a new septic system.
4. The applicant has proposed to install stormwater controls consisting drywells that will be capable of intercepting stormwater from the existing impervious area as well as the proposed increase in impervious area.
5. The applicant has proposed to regrade the site in such a way that will better direct stormwater from the driveway to proposed drywells.
6. The applicant has proposed to install sound stormwater controls and install a new septic system, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.